

## CHAPTER 8 INDUSTRIAL DISTRICTS

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### 800 **COMMERCIAL-LIGHT MANUFACTURING DISTRICTS (C-M)**

- 800.1 The Commercial-Light Manufacturing (C-M) districts shall be intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that would minimize any adverse effect on other nearby, more restrictive districts.
- 800.2 Heavy truck traffic and loading and unloading operations shall be expected to be characteristic of C-M districts.
- 800.3 The three (3) C-M districts shall provide a varying schedule for both density and height controls. They shall be mapped throughout the city, and shall embrace areas used for low density warehousing as well as sections of the city presently improved with both high and medium density buildings in warehousing, light manufacturing, office, and automotive usage.
- 800.4 Except as is explicitly provided in §801 of this title, no new dwelling shall be permitted in a C-M district.
- 800.5 Except as provided in chapters 20 through 25, in a C-M district, no building or premises shall be used and no building shall be erected or altered that is

arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§800 through 803.

800.6 No use specifically prohibited in an M district shall be permitted in a C-M district.

**801 USES AS A MATTER OF RIGHT (C-M)**

801.1 The uses set forth in this section shall be permitted in a C-M district as a matter of right.

801.2 Any commercial use permitted in the C-4 district under §751, except establishments whose principal use is for the administration of massages, sexually-oriented business establishments, and international organizations, shall be permitted as a matter of right in a C-M district. For the purpose of this subsection, a community-based residential facility shall not be considered a commercial use.

801.3 Any dwelling existing on May 12, 1958, shall be permitted as a matter of right in a C-M district; Provided, that any addition to or enlargement of the dwelling shall conform with the yard, court, and percentage of lot occupancy standards for an R-3 district; and Provided further, that any increase in the building area of the dwelling shall be based upon a lot of a size not greater than that existing on May 12, 1958.

801.4 An apartment for the use of a caretaker, watchman, or janitor employed on the premises shall be permitted as a matter of right in a C-M district.

801.5 An apartment integrated with and accessory to an artist studio shall be permitted as a matter-of-right in a C-M district: Provided, that occupancy of the apartment shall be limited to the artist using the studio portion of the premises, and the family of the artist.

801.6 A hotel or inn shall be permitted as a matter of right in a C-M district.

801.7 The following additional uses shall be permitted as a matter of right in a C-M district, subject to the standards of external effects set forth in §804:

- (a) Carting, express, moving, or hauling terminal or yard;
- (b) Commercial athletic field,
- (c) Experimental, research, or testing laboratory;
- (d) Incinerator;

- (e) Motorcycle sales and repair, with no limitation on location;
- (f) Laundry or dry cleaning establishment, without limitation on gross floor area;
- (g) Public utility pumping station;
- (h) Repair garage;
- (i) Wholesale or storage establishment, including open storage, except a junk yard;
- (j) Any light manufacturing, processing, fabricating, or repair establishment; and
- (k) Temporary detention or correctional institution on leased property for a period not to exceed three (3) years.

801.8 Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by §§801 through 809 shall be permitted as a matter of right in a C-M district, including mechanical amusement machines subject to the provisions of §2501.

801.9 Yards, buildings, and structures for the repair, maintenance, and storage of equipment related to a fixed right-of-way mass transit system shall be permitted as a matter of right in a C-M district.

801.10 A drive-through accessory to a fast food restaurant, delicatessen or carry-out shall be permitted in a C-M district, subject to the special provisions for drive-throughs set forth in §2304.

## 802 **USES SUBJECT TO BZA APPROVAL (C-M)**

**802.1** The uses set forth in this section shall be permitted, if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

802.2 Any establishment whose principal use is for the administration of massages shall be permitted; Provided, that the following requirements shall be met:

- (a) The establishment shall be compatible with other uses in the area;
- (b) The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and

- (4) The establishment shall not have an adverse impact on religious, educational, and other institutional facilities located in the area.

802.3

An Intermediate Materials Recycling Facility shall be permitted; Provided, that the following requirements shall be met:

- (a) No portion of the facility, including any structure, loading docks and truck bays, storage, transfer equipment, truck parking or other similar processing equipment and operations, shall be located within two hundred feet (200 ft.) of a residential property line;
- (b) The use shall not have unacceptable adverse impacts on the character of the neighborhood due to noise, traffic, parking, odor or other objectionable conditions. There shall be no truck access or queuing to the site from residential streets. The facility would also be subject to the "Standards of External Effects" (C-M) under §804, and in accordance with the D.C. Noise Control Act and standards;
- (c) The facility shall be enclosed on all sides by a fence or wall at least ten feet (10 ft.) in height. The public view side and the side of the facility facing residential zones shall be landscaped, and shall have an opaque screen, fence or wall, not less than ten feet (10 ft.) in height. The site shall be secured from unauthorized entry and removal of materials when attendants are not present;
- (d) The site shall be maintained free of litter, trash, debris, and any other nonrecyclable materials;
- (e) The facility shall provide on-site parking and queuing as follows:
  - (1) Space shall be provided on-site to park each commercial vehicle operated by the facility;
  - (2) One employee parking space shall be provided for each commercial vehicle operated by the facility;
  - (3) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand;
  - (4) Additional parking, truck maneuvering or queuing space may be required by the Board of Zoning Adjustment after considering the applicant's analysis of the needs and the reports of the Department of Public Works and the Office of Planning; and
  - (5) No parking, queuing or standing of trucks will be permitted on residential streets;
- (f) All storage of waste or recycled materials shall be in sturdy containers or enclosures which are fully covered, secured, and maintained in good condition. Storage containers for waste or recycled flammable materials shall be approved by the Fire Department. No storage containers outside

the facility structure(s) shall be visible above the height of a required fence or wall. Outside storage shall only be permitted for a reasonable of time and in reasonable quantities to allow for separation, conversion, baling, processing, and shipment of processed and nonprocessed materials;

- (g) If the facility is located within five hundred feet (500 ft.) of a residential district, it shall not be in operation between 7:00 p.m. and 7:00 a.m. Hours of operation shall include the arrival and departure of trucks and the delivery and removal of materials and equipment. The facility will be administered by on-site personnel during the hours the facility is open. Intermediate Materials Recycling Facilities shall not operate on Sunday;
- (h) Intermediate Materials Recycling Facilities shall comply with all environmental permit requirements established by the District of Columbia government; and
- (i) The Board may impose conditions pertaining to design, screening, buffering, lighting, soundproofing, signs, methods and hours of operations, or any matter necessary to protect adjacent and nearby property, and special consideration will be given to protecting residential property from excessive noise and traffic.

802.4 Any establishment to be used as a solid waste handling facility shall be permitted only if the following requirements shall be met:

- (a) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operation, shall be located within three hundred feet (300 ft.) of a property in a residential district used for residential purposes, or shall be located within fifty feet (50 ft.) of any adjacent property used as a public park, or used for retail, office or institutional purposes.
- (b) No truck access to or egress from the site shall be located within fifty feet (50 ft.) of any adjacent property used as a public park, or used for residential, retail, office or institutional purposes.
- (c) The facility shall be designed to have access to a railway siding or spur to enable the transportation by rail of solid waste out of the District of Columbia. Solid waste shall be shipped from a facility by rail, except that shipping of solid waste by truck may be permitted by the Board, if the Board finds that the applicant has demonstrated by substantial evidence that the use of rail is not practically, economically or physically feasible.
- (d) The site shall be of sufficient size so as to permit the avoidance or reduction of adverse impacts on the character of the neighborhood due to noise, traffic, parking, odors, rodents and other vectors, dust, litter, fire hazard, decomposition gases, vehicle pollution and other pollution, or other hazards or objectionable conditions.

- (e) The applicant shall **provide** credible evidence to the Board to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to:
  - 1. An indication of the site and description of land uses within .25 miles of the site;
  - 2. A site plan showing the layout of the proposed facility, including main building(s), fences and screens, access to rail if available, street access, parking and queuing areas and a functional diagram indicating proposed use of the site;
  - 8. An operating plan indicating types of waste to be accepted at the facility and estimates of the volume and number of trips of incoming and outgoing materials daily and during peak periods;
  - 4. A plan for preventing and controlling offensive noises, odors, rodents and other vectors;
  - 5. A traffic study which indicates truck routes to and from the facility on streets, to the extent possible, that are major arterials and highways and do not abut residential neighborhoods along the way, with the objective of minimizing potential adverse impacts on adjacent neighborhoods; and
  - 6. A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his/her professional knowledge and belief is capable of complying with these regulations and all other applicable regulations of the District of Columbia government, including without limitation, regulations pursuant to the Solid Waste Facility Permit Act of 1995.
- (f) There shall be no truck access, parking, standing or queuing to the facility from any street, or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are used for residential purposes. No truck dumping or picking up solid waste shall park, stand, or queue for the facility from any public right-of-way. Vehicular traffic resulting from operations at the facility shall not obstruct traffic and the location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits.
- (g) The facility shall also be subject to the "Standards of External Effects" (C-M) under §804, and the D.C. Noise Control Act and standards.
- (h) All solid waste handling activities, including depositing, processing, separation and loading shall be within a fully enclosed building to minimize the adverse impacts due to noise, traffic, parking, odors, rodents and other vectors, dust, litter, fire hazard, decomposition gases, wastewater, vehicle pollution and other pollution, or other hazards or objectionable conditions,

- (i) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) in height. The facility shall be secured from unauthorized deposit and removal of solid waste or other materials when attendants are not present.
  - (i) The facility shall provide on-site parking and queuing as follows:
    - 1. Space shall be provided on-site to park each commercial vehicle operated by the facility;
    - 2. One employee parking space shall be provided for each commercial vehicle lawfully parked on the site after operating hours;
    - 3. If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand; and
    - 4. Additional parking, truck maneuvering or queuing space may be required by the Board of Zoning Adjustment after considering the applicant's analysis of such needs and the reports of the Department of Public Works and the Office of Planning. However, at a minimum, the facility shall be configured in such a manner that trucks entering or leaving the facility shall not back in from or back out onto any public right-of-way.
- 802.5 The Board may proscribe or require specific operating hours for the facility and the use of any street or highway for trucks entering or leaving the facility to lessen traffic congestion and otherwise assure the quiet enjoyment of residential uses adjacent to a facility.
- 802.6 Nothing in this section shall preclude the Board from imposing additional or more strict conditions pertaining to design, screening, buffering, lighting, soundproofing, signs, or any matter necessary to protect adjacent property, and special consideration will be given to protecting residential property from excessive noise and traffic.
- 802.7 In determining whether to grant a special exception, the Board shall take into consideration whether the District issued the applicant an interim operating permit for the facility. The granting of a special exception to a facility does not authorize that facility to operate, unless the facility has been granted all other forms of permission required for solid waste handling facilities, including, but not limited to, a valid interim operating permit or solid waste facility permit. A solid waste handling facility, which has been granted a special exception remains obligated to abide by all laws applicable to solid waste handling facilities and is subject to all claims or enforcement actions which may arise from violations of such laws.

**802.8** Any otherwise valid interim permit issued by the District government to the operator of a solid waste handling facility shall be given effect by the Board only during the pendency of the Board's consideration of an application. In the event the Board denies such application, the continued operation of the facility shall be unlawful. In the event, the Board grants an application, it may provide the applicant a reasonable time in which to construct the facility as approved by the Board.

802.9 For purpose of the foregoing regulations, "solid waste" shall not include hazardous waste, which will be subject to compliance with other regulations.

**803** ACCESSORY PARKING SPACES (C-M)

803.1 Accessory parking spaces, except for a motel, wholly within three hundred feet (300 ft.) of the lot or part of the lot in which the principal use is permitted, shall be permitted when those parking spaces are approved by the Board of Zoning Adjustment in accordance with the requirements of §§213.3 through 213.5 of chapter 2 of this title.

**804** STANDARDS OF EXTERNAL EFFECTS (C-M)

804.1 All uses established in a C-M district under authority of §801.7, and any uses accessory to those uses, shall be operated so as to comply with the standards of external effects set forth in this section.

804.2 The volume of sound inherently and recurrently generated shall not exceed the standards set forth in §§804.3 through 804.6 at any point along the boundaries of the district in which the use is located.

804.3 Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association on May 12, 1958.



- 804.4 Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.
- 804.5 Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.
- 804.6 Except as set forth in §804.7, maximum sound pressure levels shall not exceed those set forth in the following table:

OCTAVE BAND (cycles per second)	MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS (0.0002 dynes per square centimeter)
0-74	72
75-149	67
150-299	59
300-599	52
600-1,199	45
1,200-2,399	40
2,400-4,800	34
Above 4,800	32

- 804.7 Where a C-M district abuts an M district, the standards set forth in §825 shall apply along the boundary separating the C-M and M districts.
- 804.8 The emission of any smoke from any source whatever to a density greater than that density described as No. 2 on the Ringlemann Chart shall be prohibited. The Ringlemann Chart, as published and used by the Bureau of Mines, U.S. Department of the Interior, shall be adopted by reference and made a part of this title.
- 804.9 The emission of any odorous gases or other odorous matter or steam in such quantities as to be offensive or noisome at any point along the boundaries of the district in which the use is located shall be prohibited.
- 804.10 No noxious, toxic, or corrosive fumes or gases shall be permitted to escape or to be discharged from any use permitted in a C-M district.
- 804.11 No objectionable amounts of cinders, dust, or fly-ash shall be permitted to escape or to be discharged from any use permitted in a C-M district.
- 804.12 No direct or reflected glare or heat from any source shall be detectable in objectionable amounts beyond the boundaries of the district in which the use is located.
- 804.13 Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point along any boundary of the district in which the use is located.

**805       EXTERNAL EFFECTS PERMIT APPLICATIONS (C-M)**

- 805.1       When filing an application for a permit for a use permitted under §801.7, the applicant shall submit with the application three (3) copies of the following:
- (a)   A site plan showing buildings and other structures, roadways, drainage and sanitary facilities, parking spaces, loading berths, landscaping, and exterior lighting (if any); and
  - (b)   A description of any operations that would be affected by the standards of external effects as provided in §804.
- 805.2       The applicant shall submit such other information as may be necessary to determine compliance with provisions of §804.
- 805.3       The approved site plan shall become a part of the provisions of the building permit or certificate of occupancy.

**806       LANGDON OVERLAY DISTRICT**

- 806.1       The Langdon Overlay (LO) District shall apply to the C-M-1 zoned properties of Squares 4103, 4106, 4107(3), 4108, 4255, 4256, 4265, 4282, 4284, and 4347 (west of the B&O Railroad right-of-way) in the general vicinity of 24th and Douglas Streets, N.E.
- 806.2       The purposes of the LO district shall be as follows:
- (a)   To implement the Comprehensive Plan by protecting residences and residents from the adverse environmental, safety and aesthetic impacts of abutting industrially zoned properties and uses; and
  - (b)   To encourage retention of existing commercial and light manufacturing uses and allow new businesses under special controls designed to protect the quality of life and neighborhood character of the adjacent residential neighborhood.
- 806.3       The LO district and the underlying commercial/light industrial zone district shall together constitute the zoning regulations for the geographic area identified in §806.1. Where there is a conflict between this section and the underlying zoning, the provisions of this section shall govern.
- 806.4       The following uses shall be prohibited in the LO district on any lot that is located in whole or in part within one hundred feet (100 ft.) of a residential zone district:
- (a)   Any use prohibited by §602 of the CR district of this title;

- (b) Outdoor materials storage or outdoor processing, fabricating, or repair, whether as a principal as an accessory use; and
- (c) Incinerator.

806.5

The following yard and screening standards shall apply to development of a lot in the LO district that coincides with the lot line of a property in a residential zone district or that is separated only by a street or alley from a property in a residential district:

- (a) A yard of twenty-five feet (25 ft.) shall be provided on the portion of the lot adjacent to the residential zone; Provided, that:
  - (1) Where there is a street or an alley between the residential and industrially zoned lots, the required yard shall be fifteen feet (15 ft.) measured from the lot line; and
  - (2) The yard shall not be used for parking, loading, or accessory uses;
- (b) A fence or wall shall be erected as a buffer between residential and industrially zoned lots, as follows:
  - (1) Where the residential and industrial lots abut each other, or where there is a street separating the residential and industrially zoned lots, the fence, or wall shall be erected along the required fifteen-foot (15 ft.) setback line, or a building wall may be located at the setback line in place of the fence or wall;
  - (2) Where an alley serves as the residential-industrial zone boundary, the fence or wall shall be erected along the lot line adjacent to the alley; and
  - (3) The fence or wall shall be no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height, and shall be either a solid, wood, board-on-board fence or a brick or stone wall;
- (c) Whenever a yard is required by paragraph (a) of this section, it shall be landscaped with evergreen trees: Provided, that:
  - (1) The landscaping shall be maintained in a healthy, growing condition;
  - (2) The trees shall be a minimum of six (6 ft.) to eight feet (8 ft.) in height when planted; and
  - (3) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Resources Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

**806.6** The Board of Zoning Adjustment, after public hearing, may waive or vary the requirements of this chapter relating to building setback, landscaping, fencing, and parking, as a special exception: Provided, that the proposed variations in standards are generally consistent with this chapter.

**807 - 819 [RESERVED]**

**820 GENERAL INDUSTRY DISTRICTS (M)**

**820.1** The General Industry (M) Districts are designed to provide areas suitable for development as heavy industrial sites, but at the same time protect those industrial developments from the intrusion of non-industrial uses that impede the full utilization of properly located industrial sites.

**820.2** Except as provided in §821.2 of this title, no new residential building shall be permitted in M districts.

**820.3** Since the regulations relative to operation of permitted uses are only those minimally required to protect nearby industrial and commercial uses, M districts, whenever possible, shall not be mapped adjacent to Residence districts.

**820.4** Other than certain specifically prohibited uses, any use conforming to specified standards of external effects shall be permitted in the M districts.

**820.5** Except as provided in chapters 20 through 25, in an M district, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses set forth in §§821 through 824.

**821 USES AS A MATTER OF RIGHT (M)**

**821.1** The uses set forth in this section shall be permitted as a matter-of-right in M districts.

**821.2** Any uses permitted in a C-M district under §801.2 and §§801.4 through 801.10.

**821.3** Any other lawful use not regulated by §822 or §823, subject to the standards of external effects set forth in §825, shall be permitted.

**821.4** Accessory uses and accessory buildings customarily incidental to the uses set forth in this section, including mechanical amusement machines subject to the provisions of §2501, shall be permitted.

- 821.5** A drive-through accessory to a fast food restaurant, delicatessen or carry-out shall be permitted in an M district, subject to the special provisions for drive-throughs set forth in §2304.
- 821.6 An Intermediate Materials Recycling Facility shall be permitted; Provided, that the following requirements shall be met:
- (a) No portion of the facility, including any structure, loading docks and truck bays, storage, transfer equipment, truck parking, or other similar processing equipment and operations, shall be located within two hundred feet (200 ft.) of a residential property line;
  - (b) There shall be no truck access or queuing to the site from residential streets. The facility would also be subject to the “Standards of External Effects (M) under §825, and in accordance with the D.C. Noise Control Act and standards;
  - (c) The facility shall be enclosed on all sides by a fence or wall at least ten feet (10 ft.) in height. The public view side or the side of the facility facing residential zones shall be landscaped and shall have an opaque screen, fence or wall not less than ten feet (10 ft.) in height. The site shall be secured from unauthorized entry and removal of materials when attendants are not present;
  - (d) The site shall be maintained free of litter, trash, debris, and any other nonrecyclable materials;
  - (e) The facility shall provide on-site parking and queuing as follows:
    - (1) Space shall be provided on-site to park each commercial vehicle operated by the facility;
    - (2) One employee parking space shall be provided for each commercial vehicle operated by the facility;
    - (3) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand; and
    - (4) No parking, queuing or standing of trucks will be permitted on residential streets;
  - (f) All storage of waste or recycled materials shall be in sturdy containers or enclosures which are fully covered, secured, and maintained in good condition. Storage containers for waste or recycled flammable materials shall be approved by the Fire Department. No storage containers outside the facility structure(s) shall be visible above the height of a required fence or wall. Outside storage shall only be permitted for a reasonable period of time and in reasonable quantities to allow for separation, conversion, baling, processing, and shipment of processed and nonprocessed materials;

- (g) If the facility is located within five hundred feet (500 ft.) of a residential district, it shall not be in operation between 7:00 p.m. and 7:00 a.m. Hours of operation shall include the arrival and departure of trucks and the delivery and removal of materials and equipment. The facility will be administered by on-site personnel during the hours the facility is open. Intermediate Materials Recycling Facilities shall not operate on Sunday; and
- (h) Intermediate Materials Recycling Facilities shall comply with all environmental permit requirements established by the District of Columbia government.

822 USES SUBJECT TO BZA APPROVAL (M)

- 822.1 The uses set forth in this section shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions specified in this section for each use.
- 822.2 Any establishment whose principal use is for the administration of massages shall be permitted; Provided, that the following requirements shall be met:
  - (a) The establishment shall be compatible with other uses in the area;
  - (b) The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and
  - (c) The establishment shall not have an adverse impact on religious, educational, and other institutional facilities located in the area.
- 822.3 Any establishment to be used as a solid waste handling facility shall be permitted only if the following requirements shall be met:
  - (a) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operation, shall be located within three hundred feet (300 ft.) of a property in a residential district used for residential purposes, or shall be located within fifty feet (50 ft.) of any adjacent property used as a public park, or used for retail, office or institutional purposes.
  - (b) No truck access to or egress from the site shall be located within fifty feet (50 ft.) of any adjacent property used as a public park, or used for residential, retail, office or institutional purposes,



- (f) There shall be no truck access, parking, standing or queuing to the facility from any street, or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are used for residential purposes. No truck dumping or picking up solid waste shall park, stand, or queue for the facility from any public right-of-way. Vehicular traffic resulting from operations at the facility shall not obstruct traffic and the location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits.
  - § The facility shall also be subject to the “Standards of External Effects” (C-M) under §804, and the D.C. Noise Control Act and standards.
  - (h) All solid waste handling activities, including depositing, processing, separation and loading shall be within a fully enclosed building to minimize the adverse impacts due to noise, traffic, parking, odors, rodents and other vectors, dust, litter, fire hazard, decomposition gases, wastewater, vehicle pollution and other pollution, or other hazards or objectionable conditions.
  - (i) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) in height. The facility shall be secured from unauthorized deposit and removal of solid waste or other materials when attendants are not present.
  - (j) The facility shall provide on-site parking and queuing as follows:
    - 1. Space shall be provided on-site to park each commercial vehicle operated by the facility;
    - 2. One employee parking space shall be provided for each commercial vehicle lawfully parked on the site after operating hours;
    - 3. If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand; and
    - 4. Additional parking, truck maneuvering or queuing space may be required by the Board of Zoning Adjustment after considering the applicant’s analysis of such needs and the reports of the Department of Public Works and the Office of Planning. However, at a minimum, the facility shall be configured in such a manner that trucks entering or leaving the facility shall not back in from or back out onto any public right-of-way.
- 822.4 The Board may proscribe or require specific operating hours for the facility and the use of any street or highway for trucks entering or leaving the facility to lessen traffic congestion and otherwise assure the quiet enjoyment of residential uses adjacent to a facility.



- 822.5 Nothing in this section shall preclude the Board from imposing additional or more strict conditions pertaining to design, screening, buffering, lighting, soundproofing, signs, or any matter necessary to protect adjacent property, and special consideration will be given to protecting residential property from excessive noise and traffic.
- 822.6 In determining whether to grant a special exception, the Board shall take into consideration whether the District issued the applicant an interim operating permit for the facility. The granting of a special exception to a facility does not authorize that facility to operate, unless the facility has been granted all other forms of permission required for solid waste handling facilities, including, but not limited to, a valid interim operating permit or solid waste facility permit. A solid waste handling facility, which has been granted a special exception remains obligated to abide by all laws applicable to solid waste handling facilities and is subject to all claims or enforcement actions which may arise from violations of such laws.
- 822.7 Any otherwise valid interim permit issued by the District government to the operator of a solid waste handling facility shall be given effect by the Board only during the pendency of the Board's consideration of an application. In the event the Board denies such application, the continued operation of the facility shall be unlawful. In the event the Board grants an application, it may provide the applicant a reasonable time in which to construct the facility as approved by the Board.
- 822.8 For purpose of the foregoing regulations, "solid waste" shall not include hazardous waste, which will be subject to compliance with other regulations.
- 823 PROHIBITED USES (M)
- 823.1 The following uses are specifically prohibited in M districts:
- (a) Abattoir or slaughter house;
  - (b) Acetylene gas manufacture;
  - (c) Ammunition and explosive manufacture or storage;
  - (d) Animal rendering;
  - (e) Arsenal;
  - (f) Asphalt, hydrocarbon, or petroleum products distillation or manufacture;

- (g) Bituminous products refining or manufacture;
- (h) Bone products manufacture;
- (i) Calcium carbide manufacture;
- (j) Curing, tanning, or storage of hides;
- (k) Fertilizer manufacture;
- (l) Rock quarry or the excavation of rock for commercial purpose;
- (m) Rubber products manufacture or treatment;
- (n) Steel furnace, blast furnace, bloom furnace, coke oven, or rolling mill; and
- (o) Any other use with objectionable characteristics similar to those listed in this subsection.

SOURCE: 96102.5 of Regulations effective May 12, 1956.

## 824 ACCESSORY PARKING SPACES (M)

- 824.1 Accessory parking spaces, except for a motel, wholly within three hundred feet (300 ft.) of the lot or part of the lot on which the principal use is permitted, shall be permitted in an M district when those parking spaces are approved by the Board of Zoning Adjustment in accordance with the provisions of §§213.3 through 213.5 of chapter 2 of this title.

## 825 STANDARDS OF EXTERNAL EFFECTS (M)

- 825.1 All uses established in an M district under authority of §§801.7 or 821.3, and uses accessory to those uses, shall be operated to comply with the standards of external effects set forth in this section.
- 825.2 The volume of sound inherently and recurrently generated shall not exceed the standards set forth in §§825.3 through 825.6 at any point along the boundaries of the district in which the use is located.
- 825.3 Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association on May 12, 1958.
- 825.4 Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.
- 825.5 Except as set forth in §825.6, maximum sound pressure levels shall not exceed those set forth in the following table:

## 825.5 (Continued)

OCTAVE BAND (cycles per second,	MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS (0.0002 dynes per square centimeter
0-74	79
75-149	74
150-299	66
300-599	59
600-1,199	53
1,200-2,399	47
2,400-4,800	41
Above 4,800	39

- 825.6 Where an M district abuts a Residence, Special Purpose, or Commercial district, maximum sound pressure levels along the boundary separating the M district from such districts shall not exceed the standards set forth in §804.6.
- 825.7 The emission of any smoke from any source whatever to a density greater than that permitted by the Fuel Burning Equipment Regulations of the District shall be prohibited.
- 825.8 The emission of any odorous gases or other odorous matter or steam in quantities that are offensive or noisome at any point along the boundaries of the district in which the use is located shall be prohibited.
- 825.9 No noxious, toxic, or corrosive fumes or gases shall be permitted to escape or be discharged from any building or other structure housing any use permitted, in an M district.
- 825.10 No objectionable amounts of cinders, dust, or fly-ash shall be permitted to escape or be discharged from any building or other structure that houses any use permitted in an M district.
- 825.11 No direct or reflected glare or heat from any source shall be detectable in objectionable amounts beyond the boundaries of the district in which the use is located.
- 825.12 Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point along any boundary of the district in which the use is located.

## 826 **EXTERNAL EFFECTS PERMIT APPLICATIONS (M)**

- 826.1 When filing an application for a permit for a use permitted under §821.3, or for a use listed in §801.6 and permitted in an M district under §821.2, the applicant shall submit with the application three (3) copies of a site plan that shows buildings and other structures, roadways, drainage and sanitary facilities,

parking spaces, loading berths, landscaping, and exterior lighting (if any); and a description of any operations that would be affected by the standards of external effects set forth in §825.

826.2 The applicant shall submit other information as may be necessary to determine compliance with provisions of §825.

826.3 The approved site plan shall become part of the provisions of the building permit or certificate of occupancy.

827 - 839 [RESERVED]

#### 840 HEIGHT OF BUILDINGS OR STRUCTURES (C-M, M)

840.1 Except as provided in §840.2 and in chapters 20 through 25, the height of buildings or structures in an Industrial district shall not exceed that given in the following table:

DISTRICT	HEIGHT (feet)	HEIGHT (Stories)
C-M-1	40	3
C-M-2	60	No Limit
C-M-3	90	No Limit
M	90	No Limit

840.2 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.

840.3 If housing for mechanical equipment, a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

- (a) It shall meet the requirements of §411;
- (b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and
- (c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot six inch (18 ft. 6 in.) height of the housing.

840.4 Housing for mechanical equipment, a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which it is located.

840.5 Where required by the Act of June 1, 1910 (D.C. Code, §§5-401 through 5409), a height in excess of that permitted in that Act shall be authorized by the Council of the District of Columbia.

#### **841 FLOOR AREA RATIO (C-M, M)**

**841.1.** Except as provided in §845, the maximum permitted floor area ratio of buildings in an Industrial district shall be given in the following table:

DISTRICT	FLOOR AREA RATIO (F.A.R)
C-M-1	3.0
C-M-2	4.0
C-M-3	6.0
M	6.0

841.2 The bulk of a structure erected, altered, converted, or reconstructed for use as a mechanical parking garage, as determined by the floor area ratio for the district in which it is located, may be based upon the assumption that the finished-floor to finished-floor distance between floors is ten feet (10 ft.).

#### **842 REAR YARDS (C-M, M)**

842.1 A rear yard shall be provided for each structure located in an Industrial district.

842.2 Except as provided in §842.5, the rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure.

842.3 For that portion of the structure above the horizontal plane, the depth of rear yard may be measured as follows:

- (a) When the lot abuts an alley - from the center line of the alley to the rear wall of the portion immediately above the plane; or
- (b) When the lot does not abut an alley - from the rear lot line to the rear wall of the portion immediately above the plane.

- 842.4** The minimum depth of the rear yard shall be two and one-half inches per foot (2.5 in./ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.).
- 842.5 Where the rear lot line of a lot abuts a Residence district, or is separated only by an alley from a Residence district, the waiver set forth in §842.2 shall not apply, and a rear yard shall be provided from the ground up.
- 842.6 In the case of a through lot, or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.
- 843** SIDE YARDS (C-M, M)
- 843.1 No side yard shall be required on a lot in an Industrial district, except where a side lot line of the lot abuts a Residence district.
- 843.2 Where a side lot line abuts a Residence district, a side yard shall be provided along that side lot line with a minimum width of at least three inches per foot (3 in./ft.) of height of building, but not less than eight feet (8 ft.).
- 844** COURTS (C-M, M)
- 844.1** Where a court is provided in an Industrial district, that court shall have the dimensions specified in this section.
- 844.2** An open court shall be at least two and one-half inches wide per foot (2.5 in./ft.) of height of court, but not less than six feet (6 ft.) wide.
- 844.3** A closed court shall be at least two and one-half inches wide per foot (2.5 in./ft.) of height of court, but not less than twelve feet (12 in.) wide.
- 844.4** A closed court shall have an area at least twice the square of the required width of court dimension based on the height of court, but not less than two hundred fifty square feet (250 ft.<sup>2</sup>).
- 844.5 In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing building in any Industrial district, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in §§844.1 through 844.4.

**845** ROOF STRUCTURES (C-M, M)

845.1 The provisions of §411 shall be **applicable** to roof structures in the Industrial districts.

845.2 The gross floor area of roof structures permitted under §411 shall not be counted in determining the amount of off-street parking as required elsewhere in this title.

**899** DEFINITIONS

899.1 The provisions of \_\_\_\_\_ of chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this section.